

## § 33.16

order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Export Form Certificate or Memorandum of Inspection to such person.

### § 33.16 Service of notice or order.

Service of any notice or order required by the Act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his or her place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

#### INTERPRETIVE RULES

### § 33.50 Apples for processing.

The terms "apples for processing" as used in § 33.12 of this part apply only and is restricted to packages of apples which were originally packaged for processing and marked "Cannery" as required by § 33.12(c) of this part. Packages of apples not so originally packaged and marked are not eligible for certification as "apples for processing" for purposes of this part.

### § 33.60 OMB control number assigned pursuant to the Paperwork Reduction Act.

The OMB control number assigned pursuant to the Paperwork Reduction Act for this part is OMB No. 0581-0143.

## PART 34 [RESERVED]

## PART 35—EXPORT GRAPES AND PLUMS

#### DEFINITIONS

- Sec.
- 35.1 Act.
- 35.2 Person.
- 35.3 Secretary.
- 35.4 Carrier.
- 35.5 Package.

## 7 CFR Ch. I (1-1-07 Edition)

- 35.6 Shipment.
- 35.7 Certificate.
- 35.8 Date of export.

#### REGULATIONS

- 35.11 Minimum requirements.
- 35.12 Inspection and certification.

#### EXEMPTIONS

- 35.13 Minimum quantity.

#### WITHHOLDING CERTIFICATES

- 35.14 Notice.
- 35.15 Opportunity for hearing.
- 35.16 Suspension of inspection.
- 35.17 Service of notice or order.
- 35.60 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: 74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591-599.

SOURCE: 26 FR 8934, Sept. 22, 1961, unless otherwise noted.

#### DEFINITIONS

### § 35.1 Act.

*Act or Export Grape and Plum Act* means "An Act to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes" (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591-599).

### § 35.2 Person.

*Person* means an individual, partnership, association, corporation, or any other business unit.

### § 35.3 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

### § 35.4 Carrier.

*Carrier* means any common or private carrier, including, but not being limited to, trucks, rail, airplanes, vessels,

## Agricultural Marketing Service, USDA

## § 35.12

tramp or chartered steamers, whether carrying for hire or otherwise.

### § 35.5 Package.

*Package* means any container of any variety of vinifera species table grapes.

[41 FR 32877, Aug. 6, 1976]

### § 35.6 Shipment.

*Shipment* means one or more lots of any variety of vinifera species table grapes shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

[41 FR 32877, Aug. 6, 1976]

### § 35.7 Certificate.

*Certificate* or *Certificate of Inspection* means any of the official forms of inspection certificate, bearing the statement "meets Export Grape and Plum Act," issued by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection of fresh fruits, vegetables, and other products (7 CFR part 2851<sup>1</sup>).

### § 35.8 Date of export.

*Date of export* means the date of loading on board the exporting carrier on which movement of the grapes from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the grapes were loaded on board, unless an "on board" date is shown.

## REGULATIONS

### § 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of any variety of vinifera species table grapes unless such grapes meet the following quality and container marking requirements applicable to the variety and destination specified:

(a) Any such variety for export to destinations in Japan, Europe (defined to mean the following countries: Albania, Austria, Belgium, Bulgaria,

<sup>1</sup>Part 2851 was redesignated as part 51 at 46 FR 63203, Dec. 31, 1981.

Czechoslovakia, Denmark, East Germany, England, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Northern Ireland, Norway, Poland, Portugal, Rumania, Scotland, Spain, Sweden, Switzerland, Wales, West Germany, Yugoslavia), or Greenland shall meet each applicable minimum requirement of the U.S. Fancy Table grape grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880-51.912 of this title) except that the minimum bunch size for all varieties shall be one-half pound. The Black Corinth variety shall be exempt from bunch and berry size requirements.

(b) Any such variety for export to any foreign destination, other than destinations in Japan, Europe, Greenland, Canada, or Mexico, shall meet each applicable minimum requirement of the U.S. No. 1 Table grape grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880 through 51.912 of this title) except that an additional 2 percent tolerance for sealed berry cracks on Ribier and Exotic varieties is allowed. The Black Corinth variety shall be exempt from bunch and berry size requirements.

(c) Each package of any such variety, other than those in packages of 5 pounds or less in master containers, to any destination other than in Canada or Mexico shall be plainly and conspicuously marked with the name and address of the grower or packer, the variety, and the applicable inspection lot stamp number, except that when the packages are unitized, the requirement as to inspection lot stamp marking shall be deemed as met if the exposed box ends on one end of the unit are so marked.

[41 FR 32877, Aug. 6, 1976, as amended at 61 FR 54082, Oct. 17, 1996]

### § 35.12 Inspection and certification.

(a) Each person shipping or offering for shipment any variety of vinifera species table grapes, to any foreign destination other than destinations in Canada or Mexico, shall cause them to be inspected within 14 days prior to